

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RICHARD TRESSLER,

Plaintiff,

Civil Action No.  
06-CV-12817

vs.

HON. BERNARD A. FRIEDMAN

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.  
\_\_\_\_\_

**ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Magistrate Judge R. Steven Whalen has submitted a report and recommendation in which he recommends that defendant's motion to dismiss be denied. No objections to the report and recommendation have been filed. The court has reviewed defendant's motion to dismiss and the report and recommendation and is persuaded that Magistrate Judge Whalen's analysis is correct. Accordingly,

IT IS ORDERED that Magistrate Judge Whalen's Report and Recommendation dated August 8, 2007, is accepted and adopted as the findings and conclusions of the court.

IT IS FURTHER ORDERED that defendant's motion to dismiss is denied.

Dated: August 23, 2007  
Detroit, Michigan

\_\_\_\_\_/s/Bernard A. Friedman\_\_\_\_\_  
BERNARD A. FRIEDMAN  
CHIEF UNITED STATES DISTRICT JUDGE